

### III. REMARKS

1. Claims 2-8, 14 and 15 are amended. Claim 1 is cancelled without prejudice. Applicant appreciates the Examiner's indication of the allowability of claims 2-5, 7-14 and 16.

2. The claims have been amended to address the 35 U.S.C. §112, second paragraph rejections.

The changes to claims 5, 6, 8 and 15 merely clarify terminology used and do not further limit or narrow the scope of the claims.

The changes to claims 3, 4, 7 and 14 correct antecedent basis errors, and do not further limit or narrow the scope of the claims.

Claims 8, 14 and 15 are the independent method claims in the application. (It is noted that the Examiner referred to claim 16, not 15, in the rejection. However, Applicant assumes the Examiner meant claim 15, and not 16). Each claim positively recites steps or actions to be carried out. Thus, each is properly a method claim.

3. Claim 6 is not anticipated by Saito under 35 U.S.C. §102(e).

Claim 6 depends from claim 2, which the Examiner has indicated is allowable as amended. Therefore, claim 6 should be allowable at least by reason of its dependency.

4. Claim 15 is not unpatentable over Kondo in view of Yugawa under 35 U.S.C. §103(a).

Claim 15 is amended to recite that the reception branch includes a switch that has two states, and that in one state the signal received is directed to a RAKE receiver and in another state the

signal received is directed to a measuring receiver. This is not disclosed or suggested by Yugawa in view of Kondo. Applicant's receiver has a selection switch for selecting, whether received signals from one of the parallel reception branches should go to the RAKE receiver or to measurements. Yugawa in view of Kondo does not disclose such a possibility.

The specific advantage gained in Applicant's invention over cited prior art is that the receiver does not need to be built to contain excessively many reception branches. Since the "measurement branch" is only switched to give input to the measuring receiver every now and then according to a certain timetable, at all other times it is available for receiving a diversity component of the received signal and for delivering it to the combination process where the RAKE receiver is adapted to utilise the combined signal power received through all reception branches. In the solution of Saito for example the sync and pilot reception branch will never deliver anything to the reception of the payload signal, so there must be at least one more reception branch in the RAKE receiver in order to collect as much signal energy as in Applicant's invention.

Furthermore, Kondo does not disclose or suggest using two reception branches, but a single RAKE receiver from which signals can be conducted either to a (channel) decoder or to a reception level measuring apparatus. Yugawa only shows how providing a measuring block for the calculation of impulse responses has been previously known.

Thus, claim 15 should be allowable.

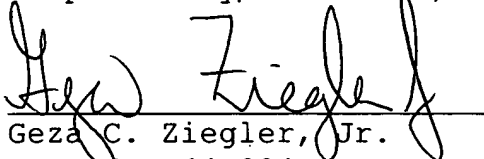
5. The Examiner has not cited any art rejection against claim 16. The Examiner has referred to claim 16 in the 35 U.S.C. §112

rejection for failing to recite method steps. However, claim 16 is an apparatus claim. If an error has been made, Applicant requests an opportunity to address any rejection of claim 16 in a non-final action.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
Geza C. Ziegler, Jr.  
Reg. No. 44,004

12 July 2004  
Date

Perman & Green, LLP  
425 Post Road  
Fairfield, CT 06824  
(203) 259-1800 Ext. 134  
Customer No.: 2512

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to MAIL STOP AMENDMENT, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: July 12, 2004

Signature: Laura Peregrino  
Person Making Deposit